

**U.S. DISTRICT COURT FOR WESTERN DISTRICT
OF PENNSYLVANIA**

WARREN DURHAM, JR.,

CIVIL ACTION

Plaintiff,

No.: 04-297E

-vs-

Judge Sean J. McLaughlin
Magistrate Judge Susan Paradise Baxter

CITY OF ERIE, PENNSYLVANIA,
COUNTY OF ERIE, PENNSYLVANIA,
CHRISTOPHER McELYNN, BRUCE
TACKETT, JAMES WASHBURN,
PATRICK DURKIN, and FRED P.
ANTHONY,

Defendants.

ELECTRONICALLY FILED

**RESPONSE TO THE OBJECTIONS OF PLAINTIFF TO THE
REPORT AND RECOMMENDATIONS OF MAGISTRATE JUDGE BAXTER**

AND NOW, come the Defendants, City of Erie, James Washburn and Patrick Durkin, by and through their counsel, Law Office of Joseph S. Weimer and Edmond R. Joyal, Jr., Esquire, and files the following Response to the Objections of Plaintiff to the Report and Recommendations of Magistrate Judge Baxter.

As stated in their discovery responses, as well as incorporating arguments made in the Brief in Support of the Motion, the Defendants reiterate the finding that Plaintiff has produced no affirmative evidence to support his versions of the events set forth in his Objections. His analysis of the law is incorrect and his allegations concerning the expiration of the search warrant contain no evidence to support them.

WHEREFORE, the Objections of Plaintiff, Warren Durham should be denied.

LAW OFFICE OF JOSEPH S. WEIMER

BY: /s/Edmond R. Joyal, Jr.
Edmond R. Joyal, Jr., Esquire
Pa. I.D. #65907

Attorney for Defendants, City of Erie, James
Washburn and Patrick Durkin

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Pittsburgh, PA 15219
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CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of March, 2007, I electronically filed the foregoing RESPONSE TO THE OBJECTIONS OF PLAINTIFF TO THE REPORT AND RECOMMENDATIONS OF MAGISTRATE JUDGE BAXTER with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Kemal Alexander Mericli
Office of the Attorney General
Civil Litigation Section
564 Forbes Avenue
6th Floor, Manor Complex
Pittsburgh, PA 15219
(Counsel for Defendant, Bruce Tackett)

A. Taylor Williams, Esquire
Administrative Office of Pennsylvania Courts
1515 Market Street, Suite 1414
Philadelphia, PA 19102
(Counsel for Defendant, Judge Fred P. Anthony)

And, I hereby certify that I have mailed by United States Postal Service the documents to the following non CM/ECF participants:

Warren Durham, Jr.
12119 Matherson Avenue
Cleveland, OH 44135
(Pro Se Plaintiff)

LAW OFFICE OF JOSEPH S. WEIMER

BY: /s/Edmond R. Joyal, Jr.
Edmond R. Joyal, Jr., Esquire
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Attorney for Defendants, City of Erie, James Washburn and Patrick Durkin

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